

§ 1623. Authorization of appropriations; allotments to States

(a) In order to conduct research and service work in connection with the preparation for market, processing, packaging, handling, storing, transporting, distributing, and marketing of agricultural products as authorized by this chapter, there is hereby authorized to be appropriated the following sums:

(1) \$2,500,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year.

(2) An additional \$2,500,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(3) An additional \$5,000,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.

(4) An additional \$5,000,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.

(5) An additional \$5,000,000 for the fiscal year ending June 30, 1951, and each subsequent fiscal year.

(6) In addition to the foregoing, such additional funds beginning with the fiscal year ending June 30, 1952, and thereafter, as the Congress may deem necessary.

Such sums appropriated in pursuance of this chapter shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to the Department of Agriculture.

(b) The Secretary of Agriculture is authorized to make available from such funds such sums as he may deem appropriate for allotment to State departments of agriculture, State bureaus and departments of markets, State agricultural experiment stations, and other appropriate State agencies for cooperative projects in marketing service and in marketing research to effectuate the purposes of this chapter: *Provided*, That no such allotment and no payment under any such allotment shall be made for any fiscal year to any State agency in excess of the amount which such State agency makes available out of its own funds for such research. The funds which State agencies are required to make available in order to qualify for such an allotment shall be in addition to any funds now available to such agencies for marketing services and for marketing research. The allotments authorized under this section shall be made to the agency or agencies best equipped and qualified to conduct the specific project to be undertaken. Such allotments shall be covered by cooperative agreements between the Secretary of Agriculture and the cooperating agency and shall include appropriate provisions for preventing duplication or overlapping of work within the State or States cooperating. Should duplication or overlapping occur subsequent to approval of a cooperative project or allotment of funds, the Secretary of Agriculture is authorized and directed to withhold unexpended balances on such projects notwithstanding the prior approval thereof.

(Aug. 14, 1946, ch. 966, title II, § 204, 60 Stat. 1089.)

§ 1623a. Minimum sum for contracting

Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for

research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31 shall be available for contracting in accordance with said Acts and chapter.

(Oct. 21, 1995, Pub. L. 104-37, title VII, § 703, 109 Stat. 329.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Agricultural Marketing Act of 1946 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Sept. 30, 1994, Pub. L. 103-330, title VII, § 703, 108 Stat. 2466.

Oct. 21, 1993, Pub. L. 103-111, title VII, § 703, 107 Stat. 1078.

Aug. 14, 1992, Pub. L. 102-341, title VII, § 703, 106 Stat. 906.

Oct. 28, 1991, Pub. L. 102-142, title VII, § 704, 105 Stat. 911.

Nov. 5, 1990, Pub. L. 101-506, title VI, § 604, 104 Stat. 1346.

Nov. 21, 1989, Pub. L. 101-161, title VI, § 604, 103 Stat. 982.

Oct. 1, 1988, Pub. L. 100-460, title VI, § 604, 102 Stat. 2259.

Dec. 22, 1987, Pub. L. 100-202, § 101(k) [title VI, § 604], 101 Stat. 1329-322, 1329-353.

Oct. 18, 1986, Pub. L. 99-500, § 101(a) [title VI, § 604], 100 Stat. 1783, 1783-27, and Oct. 30, 1986, Pub. L. 99-591, § 101(a) [title VI, § 604], 100 Stat. 3341, 3341-27.

Dec. 19, 1985, Pub. L. 99-190, § 101(a) [H.R. 3037, title VI, § 604], 99 Stat. 1185.

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(a) [H.R. 5743, title VI, § 604], 98 Stat. 1837.

Nov. 14, 1983, Pub. L. 98-151, § 101(d) [H.R. 3223, title VI, § 604], 97 Stat. 972.

Dec. 18, 1982, Pub. L. 97-370, title VI, § 604, 96 Stat. 1810.

Dec. 23, 1981, Pub. L. 97-103, title VI, § 604, 95 Stat. 1487.

Dec. 15, 1980, Pub. L. 96-528, title VI, § 604, 94 Stat. 3116.

Nov. 9, 1979, Pub. L. 96-108, title VI, § 603, 93 Stat. 840.

Oct. 11, 1978, Pub. L. 95-448, title VI, § 603, 92 Stat. 1092.

Aug. 12, 1977, Pub. L. 95-97, title VI, § 603, 91 Stat. 828.

July 12, 1976, Pub. L. 94-351, title VI, § 603, 90 Stat. 868.

Oct. 21, 1975, Pub. L. 94-122, title VI, § 605, 89 Stat. 667.

Dec. 31, 1974, Pub. L. 93-563, title V, § 505, 88 Stat. 1842.

Oct. 24, 1973, Pub. L. 93-135, title V, § 506, 87 Stat. 490.

Aug. 22, 1972, Pub. L. 92-399, title V, § 506, 86 Stat. 611.

Aug. 10, 1971, Pub. L. 92-73, title V, § 506, 85 Stat. 201.

Dec. 22, 1970, Pub. L. 91-566, title V, § 506, 84 Stat. 1496.

Nov. 26, 1969, Pub. L. 91-127, title V, § 506, 83 Stat. 260.

Aug. 8, 1968, Pub. L. 90-463, title V, § 506, 82 Stat. 653.

Oct. 24, 1967, Pub. L. 90-113, title V, § 506, 81 Stat. 335.

Sept. 7, 1966, Pub. L. 89-556, title V, § 506, 80 Stat. 704.

Nov. 2, 1965, Pub. L. 89-316, title V, § 506, 79 Stat. 1179.

Sept. 2, 1964, Pub. L. 88-573, title V, § 506, 78 Stat. 876.

Dec. 30, 1963, Pub. L. 88-250, title VI, § 606, 77 Stat. 833.

Oct. 24, 1962, Pub. L. 87-879, title VI, § 606, 76 Stat. 1215.

July 26, 1961, Pub. L. 87-112, title V, § 506, 75 Stat. 241.

June 29, 1960, Pub. L. 86-532, title IV, § 406, 74 Stat. 244.

July 8, 1959, Pub. L. 86-80, title IV, § 406, 73 Stat. 180.

June 13, 1958, Pub. L. 86-459, title IV, § 406, 72 Stat. 199.

Aug. 2, 1957, Pub. L. 85-118, title V, § 506, 71 Stat. 340.

June 4, 1956, ch. 355, title V, § 506, 70 Stat. 241.

May 23, 1955, ch. 43, title V, § 506, 69 Stat. 63.

June 29, 1954, ch. 409, title V, § 506, 68 Stat. 319.

§ 1624. Cooperation with Government and State agencies, private research organizations, etc.; rules and regulations

(a) In carrying out the provisions of this chapter, the Secretary of Agriculture may cooperate with other branches of the Government, State agencies, private research organizations, purchasing and consuming organizations, boards of trade, chambers of commerce, other associations of business or trade organizations, transportation and storage agencies and organizations, or other persons or corporations engaged in the production, transportation, storing, processing, marketing, and distribution of agricultural products whether operating in one or more jurisdictions. The Secretary of Agriculture shall have authority to enter into contracts and agreements under the terms of regulations promulgated by him with States and agencies of States, private firms, institutions, and individuals for the purpose of conducting research and service work, making and compiling reports and surveys, and carrying out other functions relating thereto when in his judgment the services or functions to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department of Agriculture. Contracts under this section may be made for work to be performed within a period not more than four years from the date of any such contract, and advance, progress, or other payments may be made. The provisions of section 3324(a) and (b) of title 31 and section 5 of title 41 shall not be applicable to contracts or agreements made under the authority of this section. Any unexpended balances of appropriations obligated by contracts as authorized by this section may, notwithstanding the provisions of section 5 of the Act of June 20, 1874, as amended (31 U.S.C., sec. 713), remain upon the books of the Treasury for not more than five fiscal years before being carried to the surplus fund and covered into the Treasury. Any contract made pursuant to this section shall contain requirements making the result of such research and investigations available to the public by such means as the Secretary of Agriculture shall determine.

(b) The Secretary of Agriculture shall promulgate such orders, rules, and regulations as he deems necessary to carry out the provisions of this chapter.

(Aug. 14, 1946, ch. 966, title II, § 205, 60 Stat. 1090; Aug. 30, 1954, ch. 1076, § 1(7), 68 Stat. 966.)

REFERENCES IN TEXT

Section 5 of the Act of June 20, 1874, as amended (31 U.S.C. sec. 713), referred to in subsec. (a), was repealed by act July 6, 1949, ch. 299, § 3, 63 Stat. 407.

CODIFICATION

In subsec. (a), “section 3324(a) and (b) of title 31” substituted for reference to section 3648 (31 U.S.C., sec. 529) of the Revised Statutes on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1954—Subsec. (b). Act Aug. 30, 1954, repealed second sentence requiring Secretary of Agriculture to include in his annual report to Congress a complete statement

of research work being performed under contracts or cooperative agreements under this chapter.

DISTRIBUTION OF SURPLUS COMMODITIES

Pub. L. 97-253, title I, § 191, Sept. 8, 1982, 96 Stat. 787, provided that:

“(a) The Congress finds that—

“(1) for an increasing number of people in the United States, these are times of great suffering and deprivation;

“(2) rising unemployment, decreasing appropriations for social services, and increasingly adverse economic conditions have all contributed to produce hunger and want on a scale not experienced since the time of the Great Depression;

“(3) the demand for every conceivable form of assistance for the hungry and needy people of the United States grows more critical daily, while the availability of goods and services to meet the needs of such people is rapidly diminishing;

“(4) soup kitchens, food banks, and other organizations which provide food to the hungry report an astronomical increase in the number of persons seeking the assistance of such organizations;

“(5) according to a study completed by the General Accounting Office in 1977, one hundred and thirty-seven million tons of food, or more than 20 per centum of this country's total annual food production, is wasted or discarded in the United States each year;

“(6) at wholesale and retail food distributors, shipping terminals, and other establishments all across the country, enormous quantities of fresh fruits and vegetables and dated dairy and bakery products are discarded each day, while growing numbers of Americans go to bed hungry and undernourished each night;

“(7) in these times of budget constraints and appeals for reductions in Federal spending, the use of private resources to meet the basic food requirements of our citizens should be encouraged; and

“(8) many States and local governments have not enacted laws which limit the liability of food donors, such as so-called Good Samaritan Acts and donor liability laws, and thus have discouraged donation of food to the needy by private persons.

“(b) It is the sense of the Congress that—

“(1) departments and agencies of the Federal Government should take such steps as may be necessary to distribute to hungry people of the United States surplus food or food which would otherwise be discarded;

“(2) State and local governments which have not yet enacted so-called Good Samaritan or donor liability laws to encourage private cooperative efforts to provide food for hungry people within their respective jurisdictions should do so as quickly as possible; and

“(3) wholesale and retail food distributors, shipping terminals, and other establishments should work more closely with religious, community, and other charitable organizations to make wholesome food which is currently being wasted or discarded by such establishments available for immediate distribution to hungry people of the United States.”

CROSS REFERENCES

Marketing of agricultural products, cooperation with state agencies in administration and enforcement of laws relating to, see section 450 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 35 section 210; title 42 section 418.

§ 1625. Transfer and consolidation of functions, powers, bureaus, etc.

In order to facilitate administration and to increase the effectiveness of the marketing research, service, and regulatory work of the De-